



W.P(MD)No.1889 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.1889 of 2023

T.Annasamy

... Petitioner

VS.

- 1.The District Collector,
Office of the District Collector,
Tuticorin District.
- 2.The Tahsildar,
Taluk Office,
Ottapidaram Taluk,
Tuticorin District.
- 3.The Block Development Officer,
Ottapidaram Panchayath Union,
Tuticorin District.
- 4.The President,
Eppoduvannan Village Panchayat,
Ottapidaram Taluk,
Tuticorin District.
- 5.Muthu Lakshmi

... Respondents



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WEB COPY

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 herein to take necessary action for removal of the encroachments made by the fifth respondent in the public way comprised in Survey No.537/29 situated at Eppodumvenran Village, Ottapidaram Taluk, Tuticorin District by considering the petitioner's representation, dated 19.09.2022.

For Petitioner : M/S.P.Banuprasath

For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The prayer in this Writ Petition is seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 4 herein to take necessary action for removal of the encroachments made by the fifth respondent in the public way comprised in Survey No.537/29 situated at Eppodumvenran Village, Ottapidaram Taluk, Tuticorin District by considering the petitioner's representation, dated 19.09.2022.



W.P(MD)No.1889 of 2023

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2. According to the petitioner, he constructed a house in Survey No.537/29 and he is in possession and enjoyment of the same. The petitioner went out of station due to his job. In the said circumstances, the fifth respondent encroached the public way and developed a petty shop. The petitioner requested the fifth respondent to remove the petty shop from the public way. Since the fifth respondent has not removed the same, the petitioner made a representation, dated 19.09.2022 to the respondents 1 to 4. Since the same has not been considered so far, the petitioner has filed the present Writ Petition.

3. The learned Additional Government Pleader appearing for the respondents 1 to 4, on instructions, submitted that the official respondents have identified the encroachers and found that there are encroachments in Survey No.536/30 and appropriate action will be taken for removal of the encroachments in accordance with law. The learned Additional Government Pleader further submitted that the petitioner is also an encroacher in the abovesaid survey number.

4. Considering the submissions made on either side, the authorities concerned are directed to pass appropriate orders, on merits and



W.P(MD)No.1889 of 2023

WEB COPY

in accordance with law regarding the removal of encroachment, after issuing notice and conducting a survey in the presence of the petitioner, the fifth respondent and all the other parties and thereafter, the authority concerned is directed to take necessary action for removal of the encroachment, after affording sufficient opportunity of personal hearing to all the parties concerned and by following due process of law, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition is disposed of.

No costs.

[D.K.K.,J.] [R.V.,J.]
01.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
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